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Materials for 28 November 2005 Phone Interview

Serial #: 09/551,181
Applicant: Silverstone
Filed: 4/17/2000
Title: SUPPLY CHAIN WORKFLOW SERVICES IN A CONTROL MANUFACTURING
FRAMEWORK

TC/AU: 3623
Examiner: Jeanty, Romain
Docket #: 060021-358201
Customer #: 29,838

Independent claim

19. In a contract manufacturing framework, a method of providing access to services comprising:

providing a database including a request for proposal ("RFP") mechanism, a nondisclosure agreement mechanism, a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal mechanism, wherein the user is a service provider or a manufacturer;

receiving nondisclosure agreement data from the user;

cataloging the nondisclosure agreement data in the database with the nondisclosure agreement mechanism; and

affording network-based project management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a network-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service of service provider assets and manufacturer assets.

The Cohn article does not use the term "catalog" in the same way as the claim does.

Portions cited from the last Response:

Response, page 7: The Office Action states that the "combination of Thomas et al and Dilger fails to explicitly disclose nondisclosure agreement mechanism and receiving nondisclosure agreement data from a user, cataloging the nondisclosure agreement data in a database with the nondisclosure agreement mechanism. Cohn in the same field of endeavor discloses the concept of Request for Proposal including nondisclosure agreement."

Response, page 8: When the user submits nondisclosure agreement data, the independent claims require that this nondisclosure agreement data is "catalog[ed] ... in the database ... [using] the nondisclosure agreement mechanism". ... The term "catalog" indicates that the nondisclosure agreement data that is loaded in the database must be organized in such a way that it can be searched and retrieved from the database through standard query means.

Response, page 8: One skilled in the art will recognize that the use of the term "cataloging" in the independent claims does not mean to produce an on-line catalog that is the electronic equivalent to a printed catalog, in which products are shown with descriptions and prices so that consumers can order the products after browsing through the catalog. The Cohn reference does not use the term "cataloging" to mean inserting data into a database so that it can be later retrieved. Rather, Cohn discusses how to produce an electronic catalog of products for sale instead of a traditional printed catalog.

Response, page 9: The Cohn article itself confirms that its subject matter is an electronic catalog of products for sale and **not the database activity of loaded data in such a matter that it can be later retrieved.** The second paragraph of the "TEXT:" section on page 1 of the article states: "After weighing the pros and cons, you've decided to go ahead and produce an electronic catalog. Having done your research you're aware that creating an online store, a Website or a CD-ROM differs from slapping the pages of your paper catalog onto a disk or a screen."

This bold face text is cited in the Advisory Action as "the arguments the applicants are relying upon are not the claims." However, this is just part of the argument's explanation and we are not asserting it is part of the claims. Rather, in the next paragraph we argue that because Cohn is directed to an on-line catalog, it does not teach the claim limitations (see bold faced text below).

Response, page 9: In addition to being directed to printed and online product catalogs, the Cohn article does not teach the steps of "receiving nondisclosure agreement

data from the user" and "cataloging the nondisclosure agreement data in the database with the nondisclosure agreement mechanism", as required by the claims.